



THE CITY OF NEW YORK
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April 28, 2010

BY ECF

Honorable Allyne R. Ross
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Edward Long v. City of New York, 09 CV 1050 (ARR) (VVP)

Your Honor:

Enclosed please find a Stipulation and Order of Settlement and Discontinuance, which has been executed by the parties in the above-referenced matter. We respectfully request that Your Honor endorse the enclosed Stipulation.

Thank you for your consideration herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Diep Nguyen", is written over a horizontal line.

Diep Nguyen
Assistant Corporation Counsel

Enc.

cc: Jonathan A. Fink (By ECF)
Fink & Katz, PLLC
Attorneys for Plaintiff
40 Exchange Place, Suite 2010
New York, New York 10005

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
EDWARD LONG,

Plaintiff,

-against-

THE CITY OF NEW YORK, NEW YORK CITY
POLICE DEPARTMENT, POLICE OFFICER MARK
HOLDER OF THE NEW YORK CITY POLICE
DEPARTMENT AND DETECTIVE LUCIOUS
JOHNSON OF THE NEW YORK CITY POLICE
DEPARTMENT,

Defendants.
-----X

**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISCONTINUANCE**

09 CV 1050 (ARR) (VVP)

WHEREAS, plaintiff commenced this action by filing an amended complaint on
or about December 23, 2009, alleging that defendants violated his constitutional rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's
allegations; and

WHEREAS, the parties now desire to resolve the issues remaining in this
litigation, without further proceedings and without admitting any fault or liability;

WHEREAS, plaintiff Edward Long has authorized counsel to settle this matter as
against defendants on the terms enumerated below;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by
and between the undersigned, as follows:

1. This above-referenced action is hereby dismissed with prejudice, and
without costs and expenses in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff Edward Long the sum of Eight Thousand Dollars (\$8,000.00) in full satisfaction of all claims, inclusive of claims for costs and expenses. In consideration for the payment of this sum, plaintiff agrees to the dismissal of all claims against the City of New York, New York City Police Department, Detective Mark Holder, and Detective Lucious Johnson, and to release all defendants and any present or former employees or agents of the City of New York and the New York City Police Department from any and all liability, claims, or rights of action that have or could have been alleged by plaintiff in this action, including claims for costs and expenses.

3. Plaintiff shall execute and deliver to defendant's attorney all documents necessary to effect this settlement, including, without limitation, a General Release and Plaintiff's Affidavit of Status of Liens based on the terms of paragraph "2" above.

4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation and settlement shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject

matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
April 28, 2010

Brian L. Bromberg, Esq.
Jonathan A. Fink
Attorneys for Plaintiff
40 Exchange Place, Suite 2010
New York, New York 10005
(212) 385-1373

By: _____

Jonathan A. Fink, Esq.

MICHAEL A. CARDOZO
Corporation Counsel of the City of New York
Attorney for Defendants City of New York, New
York City Police Department, Detective Mark
Holder, and Detective Lucious Johnson
100 Church Street
New York, New York 10007
(212) 341-9848

By: _____

Diep Nguyen

Assistant Corporation Counsel

SO ORDERED:

U.S.D.J.